

REMARKS

In the Office Action mailed June 29, 2005, the Examiner rejected claims 1, 2, 4 and 5 under 35 U.S.C. § 101 as claiming the same invention as certain claims of U.S. Patent No. 6,282,996. The Examiner also rejected claims 3 and 6-15 under the judicially created doctrine of obviousness-double patenting over claims 1-32 of the same patent.

The Examiner also objects to claims 1, 2, 4 and 5 under 37 C.F.R. § 1.75 as being duplicates of claims of prior U.S. Patent No. 6,282,996.

The present application is a division of U.S. Patent No. 6,691,357, which is a division of U.S. Patent No. 6,282,996. Applicant's assignee respectfully traverses the Section 101 rejection and the objection to claims 1, 2, 4 and 5. The Examiner has apparently referred erroneously to certain claims of the application which resulted in U.S. Patent No. 6,282,996, although the cited application claims were withdrawn during prosecution of that application and thus cannot form the basis of a double patenting rejection. Claim 1 of the present application is directed to a multipurpose hand tool comprising a handle having an end portion defining a tool bit drive socket. Claim 2 depends from claim 1. Claim 4 of the present application is directed to a multipurpose hand tool comprising a handle including an element defining a tool bit drive socket, and claim 5 depends from claim 4.

All of the claims of cited U.S. Patent No. 6,282,996 are directed to the operative mechanisms related to the jaws of a folding hand tool. Thus, they are not claiming the same subject matter as the pending claims 1, 2, 4, and 5 of the present application. Accordingly, the rejection of claims 1, 2, 4 and 5 under 35 U.S.C. § 101 should be withdrawn, as should the objection to those claims under 37 C.F.R. § 1.75, as those claims are not substantial duplicates of any issued claims or other claims pending in this application.

None of the claims of the present application are directed to the inventions or variations of the inventions defined by the claims of either of U.S. Patents Nos. 6,282,996 and 6,691,357; accordingly, there is no previously-issued claim over which any of the claims of the present application should be found obvious. All of the claims of the present application are directed to a multipurpose hand tool, or a subassembly for a multipurpose hand tool, including a

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handle having a tool bit drive socket, while all of the claims of the parent patent, U.S. Patent No. 6,691,357, are directed to a tool including a folding blade and a blade locking mechanism, with no mention of a handle including a tool bit drive socket.

As previously mentioned, all of the independent claims of U.S. Patent No. 6,282,996 are directed to jaw operating mechanisms, and none of the dependent claims of that patent are directed to a tool bit drive socket in a handle of such a tool. Accordingly, the rejection on the basis of obviousness-type double patenting is unwarranted and should be withdrawn.

In view of the foregoing remarks, the Examiner is requested to withdraw all of the rejections and rejections to the claims set out in the Office Action, and to allow claims 1-15 and pass the application on promptly to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald B. Haslett", written in a cursive style.

Donald B. Haslett
Attorney for Applicant's Assignee
Reg. No. 28,855
Tel No.: (503) 227-5631